

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF MISSOURI  
SOUTHERN DIVISION**

**UNITED STATES OF AMERICA,**

**Plaintiff,**

**v.**

**WALTER LEE HOORNSTRA,**

**Defendant.**

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**Case No. 22-03105-CR-S-MDH**

**ORDER**

Before the Court is the Government’s Motion to Dismiss Without Prejudice (Doc. 66). The Government may, with leave of court, dismiss an indictment. Fed. R. Crim. P. 48(a). Courts can exercise their discretion to withhold leave only in “the rarest of cases”. *United States v. Bernard*, 42 F.4th 905, 909 (8th Cir. 2022). Cases where there has been “prosecutorial harassment” or dismissal is “clearly contrary to manifest public interest” have warranted a court’s withholding of leave. *Id.* Neither are present here. Therefore, consistent with Fed. R. Crim. P. 48(a) and *United States v. Bernard*, 42 F.4th 905 (8th Cir. 2022) the Court hereby **SUSTAINS** the Government’s motion to dismiss the indictment without prejudice.

**IT IS SO ORDERED.**

DATED: November 19, 2024

/s/ Douglas Harpool

**DOUGLAS HARPOOL**

**UNITED STATES DISTRICT JUDGE**